

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY ASUNCION

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FOLLOWING TELEGRAM FROM MADRID DATED JUNE 14, 1974 SENT
ACTION SECSTATE WASHDC INFO BELGRADE, STOCKHOLM, MONTREAL,
IS REPEATED TO YOU: QUOTE

LIMITED OFFICIAL USE MADRID 3723

MONTREAL FOR US REP ICAO

E.O. 11652: N/A

TAGS: ETRN, SP, SW, YO

SUBJ: SPAIN REFUSES EXTRADITION OF SEPTEMBER, 1972

HIJACKERS

REF: MADRID 4241, 9/18/72

1. BEGIN UNCLASSIFIED ACCORDING TO PRESS ANNOUNCEMENT
JUNE 13, EXTRADITION TO SWEDEN OF NINE CROATS INVOLVED
IN HIJACKING OF DC-9 SAS AIRCRAFT ON SEPT 15, 1972,
HAS BEEN DENIED BY A COURT IN MADRID. THREE OF THESE MEN
(NIKILA LISAC, TOMISLAV REBRINA, AND RUDOLF PRESKALO)
HIJACKED THE AIRCRAFT, DEMANDING THAT SIX OTHER CROATS,
THEN IMPRISONED IN SWEDEN FOR MURDER YUGOSLAV AMBASSADOR,
BE FREED AND PUT ABOARD. THIS WAS DONE AND AIRCRAFT WITH
ALL NINE LANDED AT MADRID/BARAJAS FOLLOWING DAY.

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2. REASONS GIVEN IN PRESS ACCOUNT FOR REJECTION OF

EXTRADITION REQUEST BY SWEDISH GOVERNMENT WAS THAT PETITIONER GAVE NO GUARANTEES THAT THE NINE WOULD NOT BE TRIED FOR OFFENSES COMMITTED PRIOR TO TIME OF CRIMES STIPULATED IN EXTRADITION REQUEST. END UNCLASSIFIED

3. BEGIN LIMITED OFFICIAL USE SWEDISH EMBASSY OFFICIAL SAID THIS "OSTENSIBLE" REASON, TO WHICH HIS GOVERNMENT OBJECTED, FOR COURTS DECISION COULD POSSIBLY BE EXCUSE USED TO COVER MORE FUNDAMENTAL POLITICAL OBJECTION. SWEDISH GOVERNMENT, HE SAID HAD PROVIDED THE NECESSARY DOCUMENTATION. DEFENSE LAWYER MADE EXTENSIVE CASE BASED ON ALLEGED POLITICAL MOTIVATION OF CROATS WHICH, ACCORDING TO INTERNATIONAL PROACTICE, MIGHT FREE THEM FROM CRIMINAL LIABILITY. SWEDISH EMBASSY OFFICIAL, HOWEVER, SAID THAT EXCEPTION TO INTERNATIONAL RULE WAS PROVIDED IN CASE OF MURDER AND SWEDISH GOVERNMENT HAD EXPECTED SPANISH COURT TO TAKE THIS FACT INTO ACCOUNT. DESPITE FREQUENT CONTACTS BETWEEN SWEDISH EMBASSY AND MFA IN PAST YEAR, SWEDISH EMBASSY LEARNED OF COURT'S DECISION THROUGH PRESS. EMBASSY HAS JUST REQUESTED COPY OF COURT DECISION.

4. THREE WHO HIJACKED AIRCARFT ARE STILL LIABLE FOR JUDICIAL PROCEEDING ALREADY INITIATED BY MILITARY COURT OF CENTRAL AIR REGION FOR PART OF HIJACKING WHICH TOOK PLACE ON SPANISH SOIL. SWEDISH EMBASSY BELIEVES THAT THIS COURT WILL PROBABLY SENTENCE THE THREE. IT IS EXPECTED THAT THE OTHER SIX WILL BE SET FREE.
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